

AMENDED IN ASSEMBLY MARCH 30, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1567

Introduced by Assembly Member Torrico

February 22, 2005

An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1567, as amended, Torrico. State employees: memorandum of understanding.

Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds of a memorandum of understanding entered into between the state employer and Bargaining Unit 18, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate the affected provisions, *or by mutual agreement of the parties, all or a portion of the memorandum of understanding*, if funds for these provisions are not specifically appropriated by the Legislature.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that the
2 purpose of this act is to approve *those provisions of* an agreement
3 pursuant to Section 3517 of the Government Code entered into
4 by the state employer and State Bargaining Unit 18 *that require*
5 *the expenditure of funds.*

6 SEC. 2. The provisions of the memorandum of understanding
7 prepared pursuant to Section 3517.5 of the Government Code
8 and entered into by the state employer and State Bargaining Unit
9 18 and that require the expenditure of funds, are hereby approved
10 for the purposes of Section 3517.6 of the Government Code.

11 SEC. 3. The provisions of the memorandum of understanding
12 approved by Section 2 of this act that are scheduled to take effect
13 immediately, and that require the expenditure of funds, shall not
14 take effect unless funds for these provisions are specifically
15 appropriated by the Legislature. If funds for these provisions are
16 not specifically appropriated by the Legislature, the state
17 employer and the affected employee organization shall meet and
18 confer to renegotiate the affected provisions, *or by mutual*
19 *agreement of the parties, all or a portion of the memorandum of*
20 *understanding.*

21 SEC. 4. Notwithstanding Section 3517.6 of the Government
22 Code, the provisions of any memorandum of understanding that
23 require the expenditure of funds shall become effective even if
24 the provisions of the memorandum of understanding are
25 approved by the Legislature in legislation other than the annual
26 Budget Act.

27 SEC. 5. This act is an urgency statute necessary for the
28 immediate preservation of the public peace, health, or safety
29 within the meaning of Article IV of the Constitution and shall go
30 into immediate effect. The facts constituting the necessity are:

31 In order for the provisions of this act to be applicable as soon
32 as possible in the 2005–06 fiscal year, and thereby facilitate the

- 1 orderly administration of state government at the earliest possible
- 2 time, it is necessary that this act take effect immediately.

O